

IC 9-24-15

Chapter 15. Issuance of Restricted Driver's License Because of Hardship

IC 9-24-15-1

Application of chapter; exception; inadvertent failure to maintain financial responsibility

Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to the following:

(1) A suspension of a driving license upon the failure of an individual to file security or proof of financial responsibility following an accident as required by or upon the failure of any individual to satisfy a judgment for damages arising out of the use of a motor vehicle on a public highway as provided for in IC 9-25.

(2) When suspension is by reason of:

(A) physical, mental, or emotional instability;

(B) having caused serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted driver's license; or

(C) the applicant has been convicted of involuntary manslaughter or reckless homicide as a result of an automobile accident.

(3) A suspension of the license of an applicant whose license has been previously suspended.

(4) A suspension of the license of an applicant who has failed to use timely appeal procedures provided by the bureau.

(5) After June 30, 2005, a suspension of the license of an applicant whose commercial driver's license has been disqualified under 49 CFR 383.51 or other applicable federal or state law, including an alcohol or a controlled substance conviction under IC 9-30-5-4 or 49 CFR 391.15.

(b) A court may grant a petition for a restricted driving permit from an individual who:

(1) received a request for evidence of financial responsibility after:

(A) an accident under IC 9-25-5-2; or

(B) a conviction of a motor vehicle violation under IC 9-25-9-1; and

(2) failed to provide proof of financial responsibility under IC 9-25-6;

if the individual shows by a preponderance of the evidence that the failure to maintain financial responsibility was inadvertent.

As added by P.L.2-1991, SEC.12. Amended by P.L.70-1992, SEC.1; P.L.59-1994, SEC.2; P.L.219-2003, SEC.5; P.L.208-2003, SEC.14.

IC 9-24-15-2

Petition; conditions

Sec. 2. If:

- (1) an individual's driving license has been suspended under Indiana motor vehicle law; and
- (2) because of the nature of the individual's employment the suspension would work an undue hardship and burden upon the individual's family or dependents;

the individual may file a verified petition for a restricted driving permit for the sole purpose of driving to and from work and in the course of employment during the period of the driving license suspension.

As added by P.L.2-1991, SEC.12.

IC 9-24-15-3

Petition; contents

Sec. 3. The following information must be included in a petition filed under section 2 of this chapter:

- (1) The petitioner's age, place of residence, and occupation.
- (2) That the petitioner has never been convicted of a similar offense or been suspended for a similar reason.
- (3) The reason and nature of the hardship or burden upon the petitioner's family or dependents.
- (4) The nature of and the necessity of the use of a motor vehicle in the petitioner's employment.
- (5) The petitioner's place of employment, hours worked, and route to be traveled for employment purposes.
- (6) After June 30, 2005, a certified copy of the petitioner's driving record in Indiana and other states in which the petitioner has held driving privileges, including all states in which the petitioner has held a commercial driver's license.
- (7) After June 30, 2005, a verified statement that the petitioner meets eligibility requirements for a restricted license as set forth in section 6.5 of this chapter.

As added by P.L.2-1991, SEC.12. Amended by P.L.219-2003, SEC.6.

IC 9-24-15-4

Petition for restricted driving permit; prosecutor adverse party

Sec. 4. (a) A verified petition filed under section 2 of this chapter must be filed in the circuit court of the county in which the petitioner resides.

(b) The clerk of the circuit court shall docket the verified petition in the name of the petitioner against the prosecuting attorney of the county.

(c) The prosecuting attorney shall appear in person or by deputy and be heard by the court on the petition.

(d) The bureau:

- (1) serves as a recordkeeper; and
- (2) is not a party;

in a proceeding under this chapter.

As added by P.L.2-1991, SEC.12. Amended by P.L.54-2003, SEC.1.

IC 9-24-15-5

Court procedure for restricted driving permit

Sec. 5. (a) The issues before the court in a proceeding under this chapter must be considered closed by denial of all matters at issue without the necessity of filing any further pleadings.

(b) Changes of venue from the judge or from the county must be granted a party under the law governing changes of venue in civil causes.

(c) A suspension or revocation under this title remains in full force and effect during the pendency of a cause under this chapter and until the issuance of the restricted driving permit by the bureau in accordance with the recommendation of the court.

(d) Records accumulated in the regular course of business and routinely on file in the offices of the prosecuting attorney of the county, sheriff of the county, and bureau may be admitted at the hearing on the petition. The records constitute prima facie evidence of the matters contained on the face of the petition in relation to the petitioner.

(e) Court costs for the action on the petition must be charged against the petitioner. The prosecuting attorney of the county is not liable or taxable for any costs in any action under this chapter.

As added by P.L.2-1991, SEC.12. Amended by P.L.54-2003, SEC.2.

IC 9-24-15-6

Findings of facts; recommendations

Sec. 6. The court shall, after hearing the evidence upon a petition filed under this chapter and without any requests, make, sign, and file special finding of facts in writing. Except as provided in section 6.5 of this chapter, the court may do either of the following:

(1) Refuse to grant the petition.

(2) Make a final determination in the nature of a recommendation to the bureau that the petitioner be granted a restricted driving permit.

The judge of the court shall sign the recommendation and have the recommendation entered in the order book by the clerk of the court, with a copy sent to the bureau.

As added by P.L.2-1991, SEC.12. Amended by P.L.103-1991, SEC.1.

IC 9-24-15-6.5

Petition granted by court; conditions; contents of petition; time of effect

Sec. 6.5. (a) The court shall grant a petition for a restricted driving permit filed under this chapter if all of the following conditions exist:

(1) The person was not convicted of one (1) or more of the following:

(A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.

(B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony or a Class B felony under IC 9-30-5-5

after June 30, 1996.

(2) The person's driving privileges were suspended under IC 9-30-6-9(b) or IC 35-48-4-15.

(3) The driving that was the basis of the suspension was not in connection with the person's work.

(4) The person does not have a previous conviction for operating while intoxicated.

(5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center as a condition of the person's probation.

(b) The person filing the petition for a restricted driving permit shall include in the petition the information specified in subsection (a) in addition to the information required by sections 3 through 4 of this chapter.

(c) Whenever the court grants a person restricted driving privileges under this chapter, that part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

As added by P.L.103-1991, SEC.2. Amended by P.L.2-1992, SEC.87; P.L.129-1993, SEC.1; P.L.40-1994, SEC.3; P.L.96-1996, SEC.1; P.L.97-1996, SEC.1; P.L.10-2000, SEC.1; P.L.215-2001, SEC.17.

IC 9-24-15-6.7

Restricted driving permits; permitted conditions

Sec. 6.7. (a) If a petitioner whose driving license or permit is suspended under IC 9-25-6-19, IC 9-25-6-20, or IC 9-25-6-21 proves to the satisfaction of the court that public transportation is unavailable for travel by the petitioner:

(1) to and from the petitioner's regular place of employment;

(2) in the course of the petitioner's regular employment;

(3) to and from the petitioner's place of worship; or

(4) to participate in visitation with the petitioner's children consistent with a court order granting visitation;

the court may grant a petition for a restricted driving permit filed under this chapter.

(b) A restricted driving permit issued by the bureau under this section must specify that the restricted driving permit is valid only for purposes of driving under the conditions described in subsection (a).

(c) A restricted driving permit issued by the bureau under this section shall be:

(1) issued in the same manner; and

(2) subject to all requirements;

as other permits under this chapter.

As added by P.L.133-1995, SEC.3. Amended by P.L.117-2001, SEC.1.

IC 9-24-15-7

Issuance of permit; restrictions

Sec. 7. The bureau shall comply with the court's recommendation. The bureau in issuing a restricted driving permit shall be guided by the court's special finding of facts in setting out the petitioner's driving restrictions. The restricted driving permit must set out restrictions as to the time, territory, and route to be included and shall be restricted to the essential requirements of the petitioner in the performance of the petitioner's employment duties.

As added by P.L.2-1991, SEC.12.

IC 9-24-15-8**Possession of permit; proof of financial responsibility**

Sec. 8. The petitioner must have the restricted driving permit on the petitioner's person while driving a motor vehicle. A restricted driving permit is valid and in force only after the person gives and maintains in effect proof of financial responsibility in the manner required in IC 9-25.

As added by P.L.2-1991, SEC.12.

IC 9-24-15-9**Issuance prohibited; specified conditions**

Sec. 9. (a) Except as provided in subsection (b) and section 6.5 of this chapter, an individual may not receive a restricted driving permit if the individual's driving privileges are suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.

(b) If the individual's driving privileges are suspended under IC 9-30-6-9(b) and the individual does not have a previous conviction for operating while intoxicated, the individual may receive a restricted driving permit if the individual otherwise qualifies for the permit.

As added by P.L.2-1991, SEC.12. Amended by P.L.1-1993, SEC.57.

IC 9-24-15-10**Issuance prohibited; suspension due to alcohol and drug violations**

Sec. 10. (a) Notwithstanding any other provision of this chapter, an individual may not receive a restricted driver's license to operate a commercial motor vehicle if the individual's driving privileges are suspended for an alcohol or drug violation under IC 9-30-5 or 49 CFR 391.15.

(b) This section expires July 1, 2005.

As added by P.L.2-1991, SEC.12. Amended by P.L.219-2003, SEC.12.

IC 9-24-15-11**Violating restrictions; penalties**

Sec. 11. (a) A person who:

(1) has been issued a restricted driving permit; and

(2) operates a motor vehicle:

(A) in violation of the terms, limitations, or restrictions set out in the restricted driving permit; and

(B) during the period of suspension of the person's current driving license;
commits a Class B misdemeanor.

(b) The bureau shall, upon receipt of notice of a conviction for a violation of this section, do the following:

(1) Revoke the restricted driving permit.

(2) Suspend the person's current driving license for two (2) years in addition to the original existing period of suspension.

In addition, the bureau may not issue another restricted driving permit to the person during the original existing or additional period of suspension.

As added by P.L.2-1991, SEC.12.